IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 948 of 1993

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARKANTBHAI K VYAS

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 948 of 1993

MR PH PATHAK for Petitioners

RULE SERVED BY DS for Respondent No. 1

MR DEEPAK V PATEL for Respondents No. 2-3

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

Date of decision: 03/12/2004

ORAL JUDGEMENT

Heard the learned advocates.

The petitioners are a daily rated employee of the respondent no.2-Gujarat Water Supply & Sewerage Board [hereinafter referred to as, "the Board"] and a Labour Union. The petitioners claim regularization of service of some thirty four daily rated employees of the Board including the petitioner no.1 from the date they joined service of the Board as skilled/unskilled labourers. The petitioners also challenge the Government Resolution dated 17th October, 1988 whereby such daily rated employees are given the benefit of wages at the rate of minimum in the payscale from the date they complete five years' service on daily wages. It is the claim of the petitioners that such benefit should have been granted from the date of joining the service.

It should be noted that the petition under Article 226 of the Constitution in the present form by one of the aggrieved persons for the benefit of thirty four similarly situated persons is not maintainable. Under Article 226 of the Constitution, it is the aggrieved person who is required to approach the Court for redressel of his grievance.

Learned advocate Mr. Pathak has submitted that the petition at the instance of the remaining thirty three persons be entertained on their paying the requisite court fees. The request is accepted. The remaining thirty three aggrieved persons included in the Statement [Annexure-B to the petition] shall pay the required court fees within one week from today.

Mr. Pathak has submitted that in view of the judgment of the Division Bench of this Court in the matter of Ashokkumar Jayantilal Mehta & Ors. Vs. Gujarat Water Supply & Sewerage Board [Special Civil Application No. 3547 of 1991 & other writ petitions, decided on 13/14th July, 1993 :: Coram-Messrs. S.D Shah & R.D Vyas, JJ.], the petitioners herein are required to be granted identical relief. He has further submitted that leave to appeal against the said judgment was refused by the Hon'ble Supreme Court on 21st September, 1995. Learned advocate Mr. Patel does not dispute the said proposition. By the said judgment, the Division Bench of this Court has held that the daily rated labourers shall be paid wages in the minimum of the time-scale on completion of three years of service as daily rated labourers.

Following the aforesaid judgment, it is directed

that the petitioner no. 1 and the other thirty three skilled/unskilled labourers included in the Statement [Annexure-B to the petition] employed by the Board shall be paid wages in the minimum of the time-scale on completion of three years' service as daily rated labourers. The arrears of wages for the period from the date such labourers completed three years' service as daily rated employees till they were paid wages in the minimum of the time-scale shall be paid within three months from the date of the receipt of the writ. The petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

The writ shall issue after the petitioners pay the deficit court fees.

{Ms. R.M Doshit, J.}

Prakash*